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JEFFER, MANGELS, BUTLER & MARMARO LLP
1900 AVENUE OF THE STARS
SEVENTH FLOOR
LOS ANGELES CA 90067

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OFFICE OF PETITIONS

In re Application of
Anthony Griffo
Application No. 10/726,387
Filed: December 2, 2003
Attorney Docket No. 63833-5028

ON PETITION

This is a decision on the petition filed January 17, 2007, under 37 CFR 1.137(b), to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.313(c)(2) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed September 28, 2006. Accordingly, the above-identified application became abandoned on December 29, 2006.

As to the petition under 37 CFR 1.313(c)(2):

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 17, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The application will be forwarded to Technology Center AU 2877 for processing of the request for continued examination under 37 CFR 1.114.

A handwritten signature in black ink, reading "Karen Creasy". The signature is fluid and cursive, with the first name "Karen" and last name "Creasy" clearly distinguishable.

Karen Creasy
Petitions Examiner
Office of Petitions